

10/523,454

REMARKS

Please charge the \$105.00 dollar official fee, to cover the official fee for one (1) independent claim in excess of three (3) independent claims, to deposit account no. 04-0213.

Claims 87 and 96 are objected to for the reasons noted in the official action. The above requested claim amendments are believed to overcome all of the raised objections concerning this case. The Applicant apologizes for the oversight with respect to the amended claims in the previous response.

Next, claims 87-95 and 97-99 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. Rejected claim 87 is accordingly amended, by the above claim amendments, both to correct that lack of antecedent basis for "the cell-formation process" and to provide clarification for the "after completion of the cell-formation process" terminology. It is respectfully submitted that all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

In view of the above amendment to independent claim 96, it is respectfully submitted that claim 96 is now allowable. As claims 113-123 all depend, either directly or indirectly, from independent claim 96, it is respectfully submitted that all of those dependent claims are now likewise allowable for at least the same reasons that claim 96 is allowable, as indicated in the Advisory Action.

With respect to the rejection of claims 87 - 95 and 97 -99, under 35 U.S.C. § 103(a), in view of Bader '282, the Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant respectfully thanks the Examiner for indicating, in the Advisory Action, that claims 91, 93, 95 and 97-99 are all objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claim 97 is canceled, without prejudice, from this application and the allowable subject matter of claim 97 is incorporated into independent claim 87 and newly amended claim 87 is now believed to be allowable. As claims 88 - 95 all depend, either directly or indirectly from amended claim 87, those dependent claims are now believed to be allowable as well.

12/03/07 -1:02 PM

- 7 -

10/523,454

Lastly, the subject matter of claims 98 and 99 are both amended into independent form to include all of the limitations and recitations of their respective base claims. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw the objections to claims 98 and 99 as amended herein above.

In light of the believed allowability of independent claim 87, the Applicant respectfully requests reinstatement of dependent claims 100 - 107 which each ultimately depend from independent claim 87. In addition, in order to advance prosecution, apparatus claims 108 - 112 are canceled, without prejudice, from this application. Notwithstanding such cancellation, the Applicant reserves the right to file a divisional application with respect to the subject matter of canceled apparatus claims 108 - 112.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.


In view of the above claim cancellations and amendments, the Applicant respectfully submits that further comments concerning the applied prior art of Bader '282 is not believed necessary. The Applicant also notes the remaining prior art cited in the official action. As none of that additional art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning that art as well.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com

12/03/07 - 11:43 A M

- 8 -